THE COURT OF APPEALS AFFIRMS HIS CONVICTION. Judge Gray Says in the Opinion that the Evidence Against Marris Was Over-whelming-The Decision is Unanimous,

ALBANY, Jan. 17.-The Court of Appeals today decided against Carlyle W. Harris, who was convicted of murder in the first degree in canalng the death of Helen Mary Neilson Potts, to whom he had been secretly married, by giving her morphine, affirming the judg-

ment of the lower court. Harris was a student at the College of Physicians and Surgeons in New York. His wife was a student at the Comstock Boarding School for young ladies. Harris gave her six capsules containing morphine and qui-nine as a cure for headache, some of which she took, causing her death.

Harris was secretly married to the girl under an assumed name some twelve months before she died, and the capsules were given her by him a short time before the day set by the girl's mother for a public marriage.

The crime of which Harris was found guille was committed Jan. 31, 1891, but it was some time before he was even suspected of the poisoning. He was not indicted until May 13, 1891. On Jan. 14, 1892, over a year after the commission of the crime, the case came to trial before Recorder Smyth. Harris was de fended by ex-Assistant District Attorney William Travers Jerome, John A. Tay-lor of Brooklyn, and Charles E. Davison. The prosecution was conducted by Assistant District Attorneys Francis L. Wellman

sistant District Attorneys Francis L. Wellman and Charles E. Simms, Jr. The trial lasted until Feb. 2, when the jury brought in a verdict of guilty. Fitty-three witnesses had been examined, among them some of the most noted medical experts in the country, and the conduct of the case was marked by brilliant efforts on the part of Mr. Jerome for the defendant and Mr. Wellman for the people.

On Feb. 8, when Harris was brought up for sentence, his counsel moved for a new trial on various grounds, all of which the Recorder overfuled. On a motion for judgment by the District Attorney, Recorder Smyth then sentenced Harris to be executed in Sing Sing prison at some time within the week beginning March 21, 1892. Harris scounsel at once gave notice of, and on the same day, Feb. 8, filed, an appeal to the Court of Appeals, and upon this proceeding a stay of the sentence was obtained.

Judge Gray wrote the opinion, all the Judges concurring. He says:

was obtained.
Judge Gray wrote the opinion, all the Judges concurring. He says:
"A careful reading of the evidence contained in this very voluminous record and a conscientious consideration of the facts disclosed must nevitably lead to the formation of an opinion in the very comminants record and a conscientious consideration of the facts disclosed must inevitably lead to the formation of an opinion that the verdict of the jury was not only justified, but that no other conclusion could have been reached by the faircest mind. The death of the young woman was not disputed, but the cause of hor death was. The great bulk of this record is made up of the evidence given on behalf of the people to establish a poisoning by morphine, as the cause of the death, and to demonstrate the guilt of the accused; while the evidence in his behalf was confined to the examination of several medical experts for the purpose of proving that the death of the deceased might be attributed to other causes than to morphine poisoning. The evidence connecting the accused with the commission of the crime charged is wholly circumstantial. There was neither testimony by some eye witness of the giving of the poison nor of any admission by the acof the poison nor of any admission by the ac-

of the poson nor of any admission by the accused.

"The mind may be reluctant to conclude upon the issue of guilt in criminal cases upon evidence which is not direct, and yet, if the facts brought out, when taken together, all point in the one direction of guilt, and to the exclusion of any other hypothesis, there is no substantial reason for that reluctance. Purely circumstantial evidence may be often more satisfactory and a safer form of evidence; for it must rest upon facts, which, to prove the furth of the charge made, must collectively tend to establish the guilt of the accused. If any of the material facts of a case were at variance with the probabilities of guilt, it would be the duty of the jury to give to the defendant the benefit of the doubt raised. All that he should require of circumstantial evidence is that there shall be positive proof of the facts from which the inference of guilt is to be drawa, and that that inference is the only one which can reasonably be drawn from those facts.

"The two questions which uponfall the cir-

one which can reasonably be drawn from those facts.

"The two questions which uponfail the circumstances detailed in the evidence the jury had to pass upon in coming to their verdict were, in the first order, whether the deceased came to her death by morphine poisoning, and, having determined that in the affirmative, whether the defendant was guilty of the crime of having administered it to her with a deliberate intent to cause her death thereby. The extent of the case developed by the prosecution; some peculiar features of the evidence and some apparent difficulties suggested in connection with it; the gravity of the accusation under which the accused lay, and the responsibility imposed upon us by statute in tion under which the accused lay, and the responsibility imposed upon us by statute in
capital cases, seem to me to demand, for a
clearer understanding of the correctness of
the judgment, a somewhat extended review
of the facts elicited upon the trial as they relate to each branch of the case."

The Judge here reviews the occurrences
covering the period of time between the retirement of Miss Potts, in apparent good
health and spirits, and her death, being some
thirteen hours, and continues:

"In theaccount of her condition, of her various symptoms, and of the treatment and resuita, the testimony of the attendant physiclans agrees, and they all testified, in the most

suits, the testimony of the attendant physicians agrees, and they all testified, in the most positive manner, that the deceased came to her death from an overdose of morphine. They based their testimony in that respect upon the appearance and the existence of conditions upon and in the person which negatived or precluded the possibility of any other cause of death. The autopsy was made some fifty-five days after death; in which the examination of the body was remarkably facilitated by its good state of preservation. It may be observed, in this connection, that as the deceased lived for twelve hours after being taken ill, and as the absorption of morphine is very quick, the finding of morphine in the analysis of the contents of the stomach would be a fact significant of the taking of an excessive dose of that drug.

"In my opinion, which I derive from careful consideration of the professional evidence given, the theories of uraemic poisoning or of hemorrhage in the brain suggested were contradicted either by the actual combination of symptoms. The determination as to the cause of death can rest, in my judgment, safely upon a group of symptoms which invariably accompany and characterize poisoning by opium or morphine, upon the subsequent revelations by autopsy and analysis, and upon the previous constitutional conditions of deceased; all of which together preclude a diagnosis of any other physical disturbance differing from

previous constitutional conditions of deceased; all of which together preclude a diagnosis of any other physical disturbance differing from

come now to the next question, which was or the jury to determine, and that was whether the defendant was guilty of the harge that he had administered the morphine coison to the deceased with the intent to kill

charge that he had administered the morphine poison to the deceased with the intent to kill her."

Here the Judge, at great length, gives in chronological order the salient occurrences of the year elapsing between the secret marriage of the year elapsing between the scent marriage of the year elapsing between the scent marriage of the year elapsing them in any combination, is there anything to help out the presumation of the defendant's innocence, and do not every incledent and fact, with greater or less significance, form a chain of circumstantial evidence, which subjects and holds him to the consequences of an intentional destruction of the guences of an intentional destruction of the conclusion. It is my opinion that there was strong evidence of the defendant's guilt in the fact that in no way, under the circumstances, do I see that the druggist could have made such a mistake in putting up the prescription for the capsules. In my opinion the evidence not only warranted the verdict of the jury, but I do not see that any other could have been rendered which would be consistent with the evidence. The evidence seems to overwhelm the accused with his guilt, and leaves the mind unfitted to accept any other belief than that he intended to make away with his wife in order to free the field of his own life and to escape from the imminent danger of disgrace or punishment, and that, with cold deliberation, he planned her death by methods which should conceal him as its author. I think that justice does not demand that this defendant should have a new trial, unless there were errors committed unon the trial in the admission or exclusion of evidence, or in the charge of the Recorder, which affected any substantial rights of the accused." The Judge carefully consideration of this record and of the questions ratised by that consid

HARRIS STRONGLY AFFECTED.

His Counsel Will Ask for a New Trial on the Ground of Newly Discovered Evidence, It is now pretty certain that unless Gov. Flower intervenes Carlylo W. Harris will suffer death by electricity. The affirmation by the Court of Appeals of the conviction of murder in the first degree practically ends all hope. Harris's counsel, William F. Howe, said yesterday that he would move for a new trial on

this drugglet was ready to testify. Some of the dead woman's friends would testify to the same effect. He pelieved, therefore, that he could prove that the young woman's death was due to an overdose of morphine, purchased and administered by herself. Mr. Howe would not give the names of these new witnesses, but it is understood that the druggist referred to lives at Asbury Park. The suggestion of such evidence was made a month after Harris's conviction, and was investigated then by the District Attorney. found it worthless. Mr. Howe will have to make his motion for a new trial before Recorder Smyth, and it is almost a foregone conclusion that it will be denied. The possibility of further delay by an appeal to the United States Supreme Court was also suggested by Mr. Howe, but the experience of lawyers in such attempts to defer justice, and the recent intimation by the Court of Appeals of this State that appeals to the Federal courts on flimsy pretexts will react upon the lawyers may cause Mr. Howe to change his mind.

Harris is now in the Tombs. He would have been taken to Sing Sing had not Mr. Howe brought habeas corpus proceedings before Justice Lawrence in the Supreme Court. The writ was dismissed yesterday by Justice Law rence. Harris was sentenced to death on Feb

writ was dismissed yesterday by Justice Lawrence. Harris was sentenced to death on Feb.
8, 1892, but his appeal acted as a stay. He
will now have to be taken before the Recorder
again, and will be resentenced. District Attorney Nicell and Recorder Smyth will decide
when Harris shall be brought into court for
sentence. Probabily this will occur on Monday.
Assistant District Attorney McIntyre said
that official notice of the decision will probably
reach the District Attorney to-day. In that
case Harris may be arraigned before the Recorder to-morrow.

Up to yesterday Harris showed no signs of
weakening. He talked about his case with the
greatest coolness until his counsel advised
him to keep quiet. When Joseph Moss of
Howe & Hummel's office told him the news
yesterday morning, however, he collapsed. He
became very nervous and leaned on Mr. Moss
for support. He pulled himself together
quickly, however, and distated telegrams to
his mother and to E. F. Williams, his cousin.

Mrs. Harris has been living at 9 East Fifth
struct, Plainfield. She has been visiting her
son frequently during his confinement, but
had not seen him for more than a week. The
elegram to her simply requested her to come
to town at once. She reached the Tombs about
3 o'clock. The guard at the entrance recognized her and admitted her, and she walked
back to the desk where visitors are interregated. Mrs. Harris seemed quife happy
when she confronted the keeper at the desk.
She carried as small yellow valise.

"Has there been some news?" she asked
him.

"Yes." he replied, in an embarrassed way.

"The there been some mbarrassed way.
"Yes." he replied, in an embarrassed way.
"Then the sentence has been reversed?"
she cried.
"No," said the keeper, desperately, "it has No. said the keeper, despectively been affirmed."

Mrs. liarris groaned faintly, dropped the valise, and fell against the wall, but recovered almost immediately and said, in a frembling

values, and lell against the wall, but recovered almost immediately and said, in a frembling voice:

"I will go in and see my son."

She remained with her son for more than half an hour. When she came back she looked feeble. Her black dress and vell made her look ghastly pale. Several reporters were standing near the desk talking to the keeper. She walked directly toward them, and it was seen that she was hysterical.

"I will say nothing," she said in a sobbing voice, "excent that you reporters have killed my poor boy. Oh! it is awful. I know he is inneent, and the reporters have killed him Do you know whom I pray for every night? I pray for Recorder Smyth and you reporters, that you may realize what you have sont the brother of this poor boy to the far West, You have broken up a family. You have sent the brother of this poor boy to the far West, You have broken a mother's heart, and because of you a poor 13-year-old girl is slowly dying. Oh, how could you do it?"

She recovered her composure somewhat and said:
"I cannot open my lips about my son's case.

said:
"I cannot open my lips about my son's case, for he has asked me not to, but I can tell you we are not done yet. We will have justice vet."
"I understand," said one of the reporters, "that Gov. Flower will probably commute your son's sentence."
"No," she cried. proudly: "we won't thank him for it. We do not want mercy. We will not accept it. We demand justice. My boy is innocent, and he must be declared so."

A NEW TRIAL FOR DR. GRAVES.

The Lawyer Who Convicted Him Says Graves Will Now Go a Free Man. DENVER, Jan. 17 .- The Supreme Court of clorado this morning decided that Dr. T. Thatcher Graves, sentenced to death for the ver on the 19th of April, 1891, should have a new trial, the decision being rendered by Judge Hayt, Judges Elliott and Goddard sit-

ting on banc. Prominent attorneys say that practically Graves is a free man, as it is doubtful that the prosecution will see fit to again bring the case

into court.

The opinion of the court is that without doubt certain well-established rules of the law of evidence had been neglected in the trial in the lower court. The evidence of guilt was entirely circumstantial. Under the rulings of the Criminal Court suspicions voiced by the deceased woman were admitted in evidence whether the same originated with Mrs. Barnaby or emanated from some of the numerous persons admitted to the sick chamber. In this indirect way the statement was permitted to go to the jury that in the opinion of Mrs. Barnaby the Bennetts did not send the contents of the bettle which caused her death.

The lower court also permitted a question put by Mrs. Worrell to Mrs. Barnaby, which cast a suspicion upon the doctor. The opinion holds also that the instructions to the jury were erroneous, and quotes precedents in which decisions have been reversed solely upon errors in the charge. Upon principle the Court is of opinion that the metaphor used in the instructions to the jury so inaccurate and misleading. Evidence of statements by Mrs. Barnaby showing loss of confidence in Graves was incompetent to show a motive unless such statements were brought to knowledge prior to the time at which it is said the bottle was sent. It is also an error not to accord to the accused the right to meet all witnesses face to face.

1. N. Stevens, the State's Attorney, who sawhether the same originated with Mrs. Barna-

face.

I. N. Stevens, the State's Attorney, who secured the conviction, says the case will never be tried again, and that Graves will go a free man. Dr. Graves was informed of the opinion at Cafon City within half an hour after it was rendered. He will immediately be released on bond.

rendered. He will immediately be released on bond.

The telegram from Dr. Graves's lawyer announcing a new trial was delivered at the penitentiary at 10:30 this morning.

The Doctor was visibly affected as the yellow message was handed to him. He tore it open with nervous fingers, hurriedly glanced at the brief lines, and then threw up his hands and said: "My God, this is bad news."

One of the guards then read the missive, and saying. "I guess not," returned it to Graves, who read it a second time. He had made a mistake. The first line of the telegram read "Judgment against you," and he had overlooked the second, on which was the word reversed."

reversed."
The minute the Doctor realized the import of the message he shook hands with everybody around him and wept. He broke down completely, and, finally recovering, started to write a letter to his wife.

As to his future movements the Doctor is undecided. He will probably remain in Colorado for the present and then go to see his wife.

OBITUARY.

Ex-Supervisor George W. Green of Brooklyn lied on Monday at the State asylum in Middletown, where he had been confined for more than a year. He was one of the leaders in the old Twenty-second ward and a member of the General Committee. During the four years of Republican ascendancy under Mayor Low Mr. Green was induced to give up his real estate business and accept the place of chief clerk in the Butler Street Police Court. In 1889 ho

the Butler Street Police Court. In 1889 ho was elected Supervisor of the Twenty-second ward and reclected in the following year. Members of his family said that Mr. Green was driven into insanity through the mental strain on which he was kept by his efforts to get employment for his needy constituents. The remains have been removed to his home at 281 Thirteenth street, Brooklyn, from which the funeral will be held to-day. He was in his 42d year. He leaves a widow, but no children.

A cablegram to the Catholic News from Rome announces the death in that city of the Rev. James Jones, S. J., late Assistant for the English-speaking Provinces of the Society of Jesus. Father Jones was born in Ireland in 1828. Soon after his ordination he was sent as a missionary to Jamaica, after which he was recalled to Europe and appointed Professor of Moral Theology in St. Bruno's College, North Wales, where he taught for more than twenty years. He was a prominent member of the Jesuits of England, and only a few weeks ago was elected to the post which he held at the time of his death.

Willis Emory, the youngest son of Communicative. F. Emory, Naval Atlaché of the

Willis Emory, the roungest son of Com-mander W. F. Emory, Naval Attaché of the American Legation in London, died in Paris on Saturday.

A Child Enjoys

terday that he would move for a new trial on the strength of newly discovered evidence. He said that he had found a druggist who had sold morphiae to Helen Potts Harris, and that

ONE ACCUSED DR. A. Y. REID AND THEN WITHDREW THE CHARGE.

Dr. F. Gray Blinn Locked Up Under \$5,000 Ball for Operating on the Other and for Practising Under Different Names - Dr. Reid's Accuser Died Last Night,

Coroner Messemer was called to Bellevue Hospital yesterday morning to take the antemortem statement of Sophia Jansen, a pretty Swedish dressmaker, 29 years old, of 229 Eas Forty-fifth street, who is suffering from the results of a criminal peration. When her condition was discovered on Monday she told Detective O'Donohue of the Fifty-first street station that she had been intimate with Otto Wallin, a young Swedish tailor, living at 205 East Forty-sixth street. A lew days before Christmas she called upon Dr. Adrian Y. Reid. of 104 Lexington avenue, and told him that she was in a delicate condition. Dr. Reid made an examination, and, the young woman said,

performed an operation upon her. Detectives O'Donohue and Murray arrested Wallin at his home yesterday morning. They took the prisoner to Dr. Reid's house, and after learning their errand the doctor said he recognized the young man, and offered to accompany the detectives to court. The prisoners were arraigned before Justice McMahon in the Yorkville Police Court yesterday afternoon. Dr. Reid, who has a large practice among the Swedish population in this city. told the Justice that Sophia Jansen came to him a few weeks ago and wished to be exsmined. He discovered that she was suffering from an abortion, natural or criminal, he a lawful operation upon the woman, and visited her a number of times in her room. "What I did." said Dr. Reid, "was perfectly

lawful, and I should do the same again in a similar case. This young man (pointing to Wallin) had no connection with or knowledge of the operation.

Dr. Reid, who is a fine-looking man about 45 years of age, impressed the Court favorably, and, on the detectives announcing that Miss Jansen laid retracted her former statement, and denied that she had suffered an abortion, the Justice dismissed the prisoners on the promise to appear in court when wanted.

Miss Jansen refused to make any statement whatever to the Coroner. Her condition was such that another operation was necessary, and she died under it last night. When he learned of her death Capt. Reilly rearrested Dr. Reid and Wallin. The doctor was indignant at his arrest and said it was an outrage.

Dr. F. Gray Blinn of 19 West Fifty-eighth street, who was arrested on a charge of having performed a criminal operation on Alice Whitney, the pretty young typewriter of 351 West Forty-fourth street, remained locked up in a cell in the Yorkville prison yesterday, not having found any onsto furnish ball. In her ante-mortem statement Miss Whitney says she called on Dr. Gray Blinn last Thursday, and that after hearing her case the Doctor performed an operation. Saturday night the young woman was in such pain that she called in Dr. A. W. Becker of 323 West Thirty-sixth street, who said she was suffering from peritonitis. Dr. Becker notified the West Forty-seventh street police, who arrested Dr. Gray Blinn.

When the prisoner was arraigned before Justice McMahon for examination yesterday afternoon he was confronted by another charge, preferred by Agent Henry Loring of the New York County Medical Society, who says that Dr. Gray Blinn has been issuing circulars and adventising under a variety of names. He has passed himself off as Drs. Smith, Grav, and Gray Blinn. Blinn is guilty of a felony in practising under different names. After Justice McMahon had heard the new evidence against the prisoner he increased his bail from the original amount of \$5,000, and committed him back to prison for examination on Friday. Whe similar case. This young man (pointing to Wallin) had no connection with or knowledge

ST. PAUL'S CHOLERA CASE.

The Death of an Immigrant Attributed to the Plague.

Sr. Paur. Jan. 17 .- Health Officer Sinks, inspector of contagious diseases, was notified o-day by Health Commissioner Hoyt of what is believed to be a genuine cholera case. He says in his letter:
"I am informed that one Albert Hoog, from

Baden, Germany, died on the incoming 'Soo' train from the East last night with symptoms resembling cholers. The body was removed from the train upon its arrival here. You will mmediately take charge of the remains and baggage accompanying the same, properly have been in contact with the same, and disinfect all baggage not hearing disinfecting certificate of New York Health Department."

The deceased man, with his party, consisting of a man, woman, and two children, came over on the steamer Belgenland of the Red Star line. The party were destined for Wahasha, Minn. He was about 35 years old. He died on the train before reaching St. Paul. The Health Department acted promptly. The death certificate says the mandied of cholera morbus, but from the appearance of the remains the general belief is that the man died of Asiatic cholera, and the doctors privately say that there is no question about it, although the party have certificates of health from the New York health officials. The rest of the party will be kept under surveillance. have been in contact with the same, and disin-

ANOTHER RAILROAD SCHEME.

A Syndicate Boys the Brooklyn, Bath and

West End Railroad, The Brooklyn. Bath and West End Railroad. which was originally known as the Gunther Railroad, and was the pioneer route to Coney Island, was purchased vesterday by E. E. Denston, the representative of the syndicate of iston, the representative of the syndicate of capitalists, which has been investing heavily recently in Brooklyn surface railroads. The road has not made any money for some years, owing to the sinzp competition and the amount paid for the property, it is said, was only between \$500,000 and \$600,000. The route, however, is regarded as one of the finest to the Island, and should the road pass under the control of the new Traction Company, which recently purchased the Atlantic avenue road, and the electric trolley he substituted for steam on the West End road, there would be a complete trolley system established between the Kouth Ferry in Brooklyn and Coney Island. It is believed that this scheme is involved in the purchase of the road.

He Took His Seat Too Boon.

CHEYENNE, Wyo., Jan. 17 .- An opinion handed down by the Supreme Court to-day says that Gov. John F. Osborne was in the wrong when he seized the executive office on Dec. 2. The decision is of very little account now. as the object in view when Mr. Osborne cap tured the office has been attained. This was to force a fair canvass of votes by a Stat. Board that was working in the interest of Board that was working in the interest of Francis E Warren's return to the United States Senate. Osborne's manœuvre brought the Republican schemers up standing. They were placed on record at a rapid rate and forced into the Supreme Court, where they were completely routed in their attempt at theit.

The Supreme Court holds that Osborne had no right to cauvass his own vote, and that while he was chosen to fill an unexpired term he had legally to wait till the first Monday in January to take his office. There was no law for the canvass of the vote, and Osborne's action was very generously endorsed by the people.

The Trunk Line Immigrant Business, At the regular weekly meeting yesterday of the passenger agents of roads in the Trunk Line Association the question of allowance of commissions to outside agents on immigrant business came up again for discussion. Considerable dissatisfaction has been expressed at the methods of these outside expressed at the methods of these outside agents, and at a recent meeting it was decided to refuse to deal with them, and notices were sent to that effect to the agents and to the steamship companies. Since then the agents have been active in the endeavor to secure a reconsideration, and some of them have sent the strongest assurances that they will not again attempt to evade the rules of the Trunk Line Association. The general passenger agent too, of one of the reads has announced that he voted for the resolution forbidding dealings with the immigration agents under a misapprehension. No decision was reached resterday, and the discussion will be resumed at the next meeting.

at the next meeting. More Cholera at Mamburg.

longing to the German steamer Gretchen
Bohlen, which arrived here a few days ago
from Grand Popo, have been attacked by
cholera. They were removed toethe hospital.
The ateamer will be ordered to the quarantine
station. Hamnung, Jan. 17.-The negro seamen be

Suffered Terribly. Doctors and Medicines Useless. Cured in Four Weeks by Cutleura.



I have a boy, 15 years old, born in Fishkill, portrait enclosed, who had the eczema so offensive that I could not stay in the room with him. The poor boy suffered terribly. His feet were terribly, exceptions, and had therefore to stay at home from school. When he put on a rair of dry stockings in the morning, they would in one hour be saturated with moisture and very offensive, even in the coidest weather. The disease began to stread over his body, especially his hands and fingers. The thumbs on both bis hands became atim and the stream of th cured him in four weeks as sound as a gold dollar. JOHN SAVAGE, Fishkill Village, N. Y.

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The new Blood and Skin Purifier, internally, and CUTICURA, the great Skin Cure, and CUTICURA SOAP, an exquisite Skin Beautifier, externally, instantly relieve and speedily cure every disease and humor of the skin, senip, and blood, with loss of hair, from infancy to age, from pimples to scrofula.

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MUSCULAR STHAINS
and pains, back ache, weak kidneys, rheu matism, and chest pains relieved in one minute by the Cutteurs Auti-Pain Planter, The first and only instantane

GEN. BUTLER'S BRAIN. Four Onnees Heavier Than Webster's and

Boston, Jan. 17 .- It became known to-day that the autopsy of Gen. Butler showed that the brain was four ounces heavier than that of Daniel Webster. Dr. Cilley, the General's phythe exact weight-whether it was sixty-two or sixty-eight ounces. Webster's brain was fifty-eight ounces, but it had been wasted by disease, and it was estimated that its weight normally was sixty-four ounces.

Daniel Webster's brain weighed fifty-eight ounces, but physicians estimated that six ounces had been destroyed by disease and the ise of alcohol. If compared with the weight of Webster's brain at death, Gen. Butler's brain is next to the heaviest on record. If compared to the estimated normal weight of Webster's brain, Gen. Butler's would be first among the brains whose weight has been recorded. Cuvier's brain, the heaviest on record, weighed sixty-live ounces.

The average weight of the brain in men is about forty-nine ounces. The brain of Edward H. Ruloff, the classical criminal, who was hanged on May Bt. 1871, for one of his many murders, weighed lifty-nine ounces. Its great weight was due to an enlargement of the lower part, the upper part, where the moral qualities are supposed to reside, being very deficient. Ruloff is the man who united a love for philology, an intimate knowledge of Greek, and not a little learning of various sorts, including acquaintance with law, with a propensity to kill people who stood in his way. Criminals ordinarily have small brains, but Ruloff's was next to the heaviest on record at the time. Gen. Butler's brain now takes the second place, and possibly the first." Webster's brain, Gen. Butler's would be first

TRYING AGAIN FOR EICHLER'S MONEY. The Claimant Gets New Counsel and Re-

turns to the Charge. Anna Katherine Eichler, whose claim as the widow of the wealthy brower John Eich-ler has been defeated both in the police court and the Surrogate's Court, has got new lawyers, and yesterday argument was heard by Surrogate Fitzgerald upon motion of Rabe & Keller in her behalf that the decree admitting the will to probate may be opened in order that her claim may be prosecuted further.

This woman says she married Mr. Eichler on July 24, 1852, at Friedenwald, Germany. Her counsel, M. A. Lesser, stated in the Surrogate's Court on Monday of last week that he was convinced that the John Elchler she had married was not John Eichier, the brewer, who was in America at the date of the marriage. The will was allowed to go to probate. She now insists that this was done without her knowledge or consent.
Congressman Fitch, in the interest of the brewer's widow, Marie Elchier, insisted that Anna Katherine had no claim whatever upon the estate. He thought she should be provented from employing one lawyer after another to annoy the widow. Decision was reserved.

SPARKS FROM THE TELEGRAPH.

James Carr, a well-known resident of Corning, 68 years old, was found dead in hed yesterday morning. Heart disease caused his death. It is understood that next Saturday's Canada Guests will contain a pro-munation putting in force the modus vivend for the duming 16th ing season.

The Helena Janual (Russell Harrison's newspaces), which was seized by the Shorist the morning after the Presidential election, will resume subhication in allow a vive. The body of Miss Eliza McDonald, a teacher in the State Fermale College at Greensbore, N. U., was found vesterday eventing on the truck of the Cape Fess and Yadkin Valley Railroad. Evidently sue had been run over by a train. over by a train.

The extensive hethouses of Adolph Folger at High-land-on-fludson were destroyed by fire last night. The greenbouses were devoted to the culture of rare roses for the New York and Philadelphia markets. Meny valuable plants were destroyed. It is supposed that the fire started from the heating apparatus. The less is from \$10,000 to \$12,000.

JOTTINGS ABOUT TOWN.

The stockholders of the Edison Electric Illuminating company yesterday reelected the old officers of the ompany. company.

The Centenary conference of the American Baptist
Missionary Union was continued yesterday in the Fifth
Avenue Baptist thurch.

James K. Boherty and Louisa B. O'Connor, wife of
the insane actor, James Owen O'Connor, have been appointed a committee of his person and estate. Frank S. Gray, against whom a judgment for 3857.72 was entered in his suit arasination. Elliott F. Shapard for breach of collitract, bas taken an appeal to the Gen-tral Term. erai Term.
Judge Ingraham has granted an absolute divorce to
Katharme Schmalz, a singer, of 108 West Forty-second
street, from Frances Schmalz, Judge Andrews has
granted a limited divorce to Paul Ouczay from Anna
Ouczay.

Ouczay.

Abraham Barnett, the Baxter street puller-in, in whose trial for manufacultier in the second degree in killing Juhn T. Glower the jury disagreed, was released yeaterlay under \$1.000 ball. Marnett has been tried twice, and both times the jury disagreed. Justice Patterson of the Supreme Court denied ve-terday Mrs. Harriet L. Potter's application for leave to examine the books of the Wheatiand Improvement Company. Mrs. Potter is suing the company to re-cover \$1,200, which she paid for property at Pasadena, N. J.

Charles W. tiardner of ". Faranties's society, who is charged with exportion.

The Board of Alderman yesterday, on the petition of Polish residents, directed that the Polish lay be set at half-mast on the city Hall on Faturday, Jan 21, in commemoration of the 180th anniversary of the partition of Polish and the thirtieth anniversary of the last uprising of Polish patriots.

Thomas F. Wogan, brother and administrator of John J. Wogan, who was shet by Seiling in Tem Gould's, neglected to give an inventory of his brother's satale, as the court ordered him to Geom a creditor's application lie was arrested for contempt. Surrogate Pitzgeraid has directed his release on \$2.5 ball.

(cd. Weber received orders from Washingt a yesterday to weater the ferry slip at the harre of flow, which must be returned to the War Department, and other arrangement was must be brought from Ellis island to the city on small steamt of the No wagons of trucks can go the historians. The Singer Manufacturing Co.,

OFFENSIVE ECZEMA NO COMPROMISE IN KANSAS.

THE WARRING LAWMAKERS FAIL TO ADJUST THEIR DIFFERENCES.

A Joint Meeting of the Senate and Republi can Rouse-The Populists Scared By s Scheme to Elect a Senator Without Then -The Governor's Message-A Letter from Congressman Clover's Former Wife.

TOPERA. Jan. 17 .- No arrangement having been reached last night for a harmonious re-organization of the Legislature the two lower Houses appeared in their usual places this morning. The chaplain prayed for the respective bodies, and the chief cierks followed each other in calling the roll and reading the journals. The conference committee reported that they had been unable to determine a plan for adjusting the differences.

The Governor's secretary was announced, and addressing the lopulist speaker he said he was authorized by the Governor to present his annual message in writing. The reading of the message was dispensed with, and resolution adopted by the Populists for printing 700 copies. The Republicans took no no tice of the message, and ignored the action of the other House. Both Houses finally adjourned until 2 o'clock P. M. without holding the joint session for electing a State Printer.

The Governor's message opens with a full recognition of the Populist House. It presents figures showing the amount of county and municipal indebtedness and the great expense of administering the affairs of Government. The Governor maintains that prohibition is a part of the law of Kansas and should be en forced. He recognizes the inefficiency of the matropolitan police system and the difficulties surrounding the enforcement of prohibition in the large cities, but holds that there is no excuse for disregarding the law or suffering its violation with impunity.

The Senate took a vote this afternoon on the

question of concurring in the House resolution, providing for a joint session for the election of State printer. At the last moment the Populists changed their tactics, and decided ropulists changed their tactics, and decided not to enter a joint session with either of the other bodies.

The Republican Senators then decided to go to Representative Hall and participate with the Republican House in the election of a State Printer. They were accompanied by two Democrats, and there was great applause when they filed into the hall and took the sents assigned to them. As the Lieutrant-Govertor remained out with the Populist Senators there was no one to preside over the joint session.

Lor remained out with the Populist Senators there was no one to preside over the joint session.

The Republicans selected Senator Lucien Baker of Leavenworth as President protem. He called the joint session to order and announced that this was the day prescribed by the Constitution for holding alternate session for the election of State Printer, and as the Republicans were law-abiding people they had assembled to-day for that purpose.

The roll call disclosed the presence of eighty-four Senators and Representatives who have certificates from the State Board of Commissioners, or one more than a majority of the members elect. Of the number answering to their names, seventy-nine were Republicans and five Democrats. The ballot for State Printer gave George W. Grane of Topeka 70 votes, all from the Republicans.

As Si votes were required to elect there was no choice, and the joint session was adjourned until to-morrow morning. The Republicans and Democrats have sufficient votes to choose a State Printer and United States Senator, but have not yet agreed upon candidates entirely satisfactory to both parties. The plan of the Populists in the Senate is to refuse to go into a joint session and prevent, if possible, the present Incumbent to hold over.

All efforts to reconcile the conflicting House have failed, and the work of the Legislature is practically blocked unless some scheme can be devised for untangling the matter in the courts. It is conceded that the Republicans gained a point to-day by holding a joint session.

The same policy will be pursued for next

courts. It is conceded that the Republicans gained a point to-day by holding a joint session.

The same policy will be pursued for next Tuesday in the election of United States Senster. Competent lawyers say that a joint session composed like the one to-day can elect a Senator by a majority vote of the number voting, providing a quorum is present.

For State Printer the successful candidate is required to have a majority of all the members elected, which is eighty-three, but under the United States statutes it is said that the candidate receiving a majority of the quorum present, or, in other words, a majority of the outrim present, or, in other words, a majority of the outrim present, or, in other words, a majority of the sighty-three votes, must be declared elected. Should this law be held good the Republicans can elect a Senator unless the Democrats absent themselves from the joint session, in which case there would be no quorum.

The Populists are considerably alarmed at this new phase of the situation, and may decide to identify themselves with the Republican House before the week passes. The despatches for several cays have coupled the name of Congressman B. H. Clover of this State with the junta of Populists new conspiring to defeat the Senatorial aspirations of Jerry Simpson. Clover's opposition to Simpson is retailatory, and involves a domestic rather than a political issue. Clover had been accused of neglecting his Kansas wife during his sojourn in Washington, and of yielding to the blandishments of a maiden whose costume was conspicuous by reason of a pair of red slippers. Mrs. Clover had been accused conduct and the lurid slippers, and immediately secured a divorce. Clover has blamed

blandishments of a maiden whose costume was conspicuous by reason of a pair of red slippers. Mrs. Clover heard of her husband's conduct and the lurid slippers, and immediately secured a divorce. Clover has blaned Jerry Simpson for conveying information to Mrs. Clover and otherwise meddling in his family affairs, and in order to resent the interference in a way that would be feit he has been piling stumbling blocks in Jerry Senatorial path. Mrs. Clover has finally rushed to the delence of Simpson, and sends to one of the papers the following letter:

"I noticed a special from Washington concerning Congressman Clover and the Hon. Jerry Simpson. I want to say, briefly, I have never received a line from Jerry Simpson in my life. The gay and festive pair might have been seen almost any day on excursions down the river to Marshall Hall or Colonial Island or the hurdle races, or almost anywhere, but Mr. Simpson did not write me about it. I found out nearer home.

"In fact, the gay and gushing damsel of redslipper fame has been rusticating in Cowley county all through the campaign and since Congress adjourned, and could have been seen almost any fine day in the vicinity of Akron. Kan. red slippers and all. But the redsandalled lady does not figure in the bill of particulars. She is too insignificant for that. "Now, I don't want Jerry blamed for this, All honor to Congressman Simpson. He took his wife to Washington with him to enjoy the honors she helped him win, and did not leave her at home to do battle with the mortgage field while he's courting went." The guilty fleeth where no man writes.

"P. S.—You may insert what I have written if you like. It is my first expression, and probably my last, unless I am attacked, and then I am sure to fight back."

An Actress Who Didn't Want a Brass Band. Eleanor Duse, the Italian tragedienne, is in town. Her managers had made arrangements to welcome her elaborately, but she broke the record of new stars by declining to assist them. and got away from La Champagne when the steamship got to her pier on Monday be-fore anybody could get at her with a brass band or a reception committee. She took ledgings without consulting her managers and sent them word yesterday that she was here. She appears next Monday at the Fifth Avenue Theatre.

Ladies.

You Can See Any Day

The Singer Parlors The Different Varieties of

Art Needle Work In Process of Manufacture

on Singer Machines.

Cor. 16th St. and 3d Ave.

UNIQUE TESTIMONY

twie and Dr. Thomas's Hespital.

The worthy ladies of the management of St. Joseph's Institute in State Institution for the Deaf and Dumb at West Chester, Fordham, and Brooklyn) have been besieged with so many inquiries regarding the remarkable cure of the little company of boys, narrated in the World and Sun of the 4th inst., that a brief statement of the facts is made. Over a dozen of these lads were sent by Miss Schottmueller, the superintendent, under the care of Miss Frances O'Connor, their teacher, to Drs. Copeland and Gardner. They had been, during fifteen months, treated at the Skin and Cancer Hospital, at the Vanderbilt Clinic, and by the most expert specialists in skin diseases in the city, without getting any helb. After being treated for six weeks by Drs. Copeland and Gardner, they were taken before the physician of St. Joseph's Institute, and he pronounced them cured. This is the story in orief. It is given by the ladies mentioned as a matter of simple justice. They had paid for the treatment of the lads at the regular rate, but felt that money did not recompense Drs. Copeland and Gardner for the good they had done. Frances O'Connor, their teacher, to Drs. Cope

Miss Julia Ryan and Mrs. Nellie Carrigan are trained hospital nurses. They are employed at Dr. Thomas's well-known hospital for women, at 600 Lexington avenue. Miss Ryan says: "I had suffered for years from Catarrh of the Head, Throat, and Stomach. Dyspensia or Indigestion seemed to be the most distressing result. Since the treatment of Drs. Copeland and Gardner I feel as well as I ever did." Mrs. Carrigan says: "My experience was similar to Miss Ryan's, except that the trouble in the throat and head was more severe. My nose would bleed frequently. I had severe head-aches and sore throat half the time. When I found Miss Ryan was getting well so fast under the Copeland treatment I went to these physicians myself. The result in my case is just as satisfactory as Miss Ryan's." women, at 600 Lexington avenue. Miss livar

The \$3 rate was adopted for a limited time to give all an opportunity of testing for themselves the difference between the genuine and screet he difference between the genuine and the pretended, the success and the failure. It was adopted to give a test of the superiority of the Copeland treatment. A good test. Not a test of a day or a week, but of a period reasonably sufficient to make the test a thorough one. Comparison will in every case establish the superiority of the work of Drs. Copeland and Gardner.

\$3 PER MONTH

All patients placing themselves under treatment during January will be treated until cured at the rate of \$3.00 a month.

CHARLES WELLS AGAIN IN LIMBO. The Only Original Man Who Broke the Bunk at Monte Carlo, LONDON, Jan. 17.-Charles Wells, commonly

known as "Monte Carlo Wells," arrived from France to-day in the custody of detectives and was arraigned at the Bow Street Police Court on twelve charges of fraud, amounting to £45,000. Wells is famed in music ball lore as the man who broke the bank at Monte Carlo. He is fifty years of age. His London address is 154 Great Portland street. His depends upon the good will of Great Britain profession was supposed to be that of a civil engineer and patent agent. His Monte Carlo exploits brought him into public prominence. He said that he had broken the bank through working an infallible system, and published a pamphlet setting forth its details. He asked for a partner with heave of money, promising a golden reward at the expense of the administrators of the great gambling Casino. He believed, or affected to believe, in the run of sequences at roulette. But so far as is known wells did not get his partner. He overlooked one point, which, douotless, prevented a partner from coming forward. If by following the sequences of the table it became possible to acquire great wealth, what need was there for great capital to start the operations?

Wells was wanted herefor many shady operations.

Miss Catherine Mary Phillimore had naid him £9,000 on condition that she received £100,000 out of the first moneys obtained from an invention diminishing the consumption of fuel in lurnaces. Other cases involved the victims in great loss.

On the day following the hearing of one of the cases Wells sailed from Piymouth in his samptuously furnished yacht, the Inlais Royal. He touched at Cherbourg, and then went on to flavre, only to and that the police were on his track. Wells was arrested at the french police found a beautiful young woman named Jana Pernaud, who had accompanied Wells on his career of adventure. She wrote to Wells on his career of adventure. She wrote to Wells on his career of adventure. She wrote to Wells on his career of adventure. She wrote to Wells on his career of adventure. She wrote to Wells on his career of adventure. She wrote to Wells on his career of adventure. She wrote to Wells on his career of adventure. She wrote to Wells on his career of adventure. She wrote to Wells on his career of adventure. She were to his track wells and the track of the Council.

It is a well-known fact that Fakhri Pasha and Prance on his track. Wells was arrested at the profession was supposed to be that of a civil

hee found a beautiful young woman named anne Pernaud, who had accompanied Weils on his esteer of adventure. She wrote to Weils that, as she was now completely without resources, she intended to kill herself. The letter was intercepted by the Public Prosecutor, who summoned Jane Pernaud to his office. He was soon convinced that the young woman knew nothing about the misdeeds of which her lover is accused, so he handed her sufficient money to return to London.

A TRAIN ALL ABLAZE.

Many Soldiers Killed by Jumping or Burned

St. Petersburg, Jan. 17 .- A most peculiar and fatal railway accident occurred to-day on the line between Slatousk and Samara. A train composed of several cars filled with recruits was running at full speed, when flames burst from the foremost car. The fire swept backward, and in a few minutes all the cars were blazing. The engineer for some unaccountable reason did not stop the train until he had run a considerable distance. In the mean time there was a scene of indescribable confusion in the cars. The recruits, or at least as many of them as could do so, leaped from the windows and doors. Some of them landed unmitted in the heavy snow banks, while others who landed on the cleared track were killed.

Those who were unable to get out of the cars were burned to death, for the train was entirely consumed. Some of the men were terribly burned before they jumped. When the confusion had somewhat subsided the officer in charge of the recruits, who saved himself by jumping, called the roll of his men. It was found that forty-nine of them were dead and twenty terribly burned and otherwise injured. backward, and in a few minutes all the cars

and twenty terribly burned and otherwise in ured.

A strict investigation will be held to determine the cause of the fire. It is supposed now that some of the men in the forward car were skylarking and upset the stove. The draught caused by the on-rushing train caused the flames to spread with such great rapidity that nothing could be done to extinguish them. It is asserted that the engineer was guilty of criminal negligence in not stopping the train as soon as he saw the fire. Had he done so the loss of life would have been very small. Ulster Men Protest Against Home Rule.

LONDON, Jan. 17.-The Ulster Unionists met in Ulster Hall, Belfast, to-day to protest against home rule for Ireland. The Marquis of Londonderry presided. The Convention of Londonderry presided. The Convention was called, he said, to show Great Britain that the men of Ulster were unswerving in their devotion to the cause of the Union. Among other speakers were the Hev. Dr. kane, Grand Master of the Urangemen, and President MacGeagh of the Ulster Union. Dr. kane said that the determination of the men of Ulster not to submit to the yoke of home rule was as firm as a rock.

£12,000 for Saving the Spree. LONDON, Jan. 17 .- The action brought by the owners of the steamer Lake Huron for 225,000 for services rendered in towing the North German Lloyd steamer Spree into Queenstown has been settled out of court. The North German Lloyd Steamship Company will pay to the owners of the Lake Huron the sum of £12,000.

Notes of Foreign Happenings. The Vatican has chosen Cardinal Gibbons to be delegate to the Catholic Congress at Chi-

cago.

The French have arrested all merchants at the Dahomeyan port Whydah and placed them on board a gunboat. Among them are Mr. and Mrs. Bartle, subjects of Great Britain.

Senator Jones of the American delegation to the Brussels Monetary Conference conferred yesterday with Sir William Vernon Harcourt, Chancellor of the Exchequer, in London. Senator Jones will shortly go to Paris.

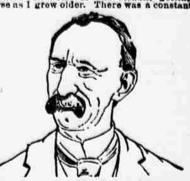
The Italian Government, fearing that Great Britain intends to establish a protectorate over Morocco, has instructed Count Tornielli, Italian Ambassador in London, to represent urgently to the British Government the nucessity of maintaining the status que.

cago.

CATARRHAL DEAFNESS.

Coming From Ladies of St. Joseph's Instj. It May Be Completely and Parmanently Cured by Proper Treatment.

"I was nearly deaf from catarrh." said Mr. Charles Edwards of 270 Pulaski st., Brooklyn.
"I had tried physicians and remedies without success. The inflammation from the catarrh had extended to the middle ear and partial deafness followed. It was steadily getting worse as I grew older. There was a constant



roaring in my ears, like the sound the wave make. The treatment of Drs. Copeland and Gardner has restored my hearing and relieved me of the many distressing symptoms of ca-tarrh."

Copeland and Gardner is made up of ladies and children, who testify not only to the uniform



children, who testify not only to the uniform success, but to the mild, agreeable, and paineless character of the treatment. Note for example such a statement as this: Mrs. Hitcheock, residing at 390 West 30th street, and of the sickness and recovery of her little daugnter Elsie, aged 10 years; "Elsie was strong and healthy until she became a victim of catarrh. Then her cheeks became a victim of catarrh. Then her cheeks became their brightness, we took her to certain physicians, but the treatment was so painful that she grew worse instead of better. Her nostrils were stopped up and she had to breathe through her mouth. At night you could hear her breathing all over the house. She suffered from headsches, and became dull and stupid. She did not complain, but day by day we sould see that she was failing. Under the

She did not complain, but day by day we could see that she was falling. Under the Copeland treatment she improved from the start and she is now herold self again."

The Copeland Medical Institute, 15 West 24th St., New York. W. H. COPELAND, M. D., Consulting

OFFICE HOURS.

THE EGYPTIAN CRISIS.

England Will Not Recognize the Khedive's New Ministry. LONDON, Jan. 17.-Great Britain will not recognize the Ministry appointed by the Khedive. A Cabinet council was held at 5 o'clock. The council rose at 6:35 o'clock, after resolving upanimously to treat the Khedive with the utmost firmness. The Ministers decided to inform him in a distinct manner that his position as the ruler of Egypt depends upon the good will of Great Britain, and that the British Government will refuse to recognize the reactionary Ministry that he

LONDON, Jan. 17.-The Secretary and the two officials of the Corinthian Club, who were arrested on Jan. 9 on the charge of keeping a

arrested on Jan. 9 on the charge of keeping a disorderly house, were brought up on remand in the liow Street Police Court to-day. The police testified as to the character of the club, and the prisoners were committed for trial. The director of the club and counsel for the brisoners promised that the club would be closed.

The Corinthian Club house is on York street, Pall Mall. It has been the resort of men of the "masher" type and fast women, who danced and caroused until 3 or 4 octock every morning. The raid on the club was made at midnight, at which hour the place opened, and some unfavorable comment has been caused thereby. It is asserted that if the police had desired to make a genuine raid they would have-waited until a later hour, when the usual crowd was present, and not have descended upon the place when they must have been aware that very few persons were there.

The Czur's Prayer.

Sr. Petersnung, Jan. 17.-In his reply to the New Year's congratulations from the municipal authorities of Moscow, the Czar says:
"May God hear our prayer, that the year will be one of peace and prosperity for Russia."



FROST-BITES, CHAPPED HANDS and FACES USE

POND'S EXTRACT

Unequaled for relieving the SORE-NESS, ITCHING or BURNING, reducing the INFLAMMATION, taking out RED-NESS, and quickly bringing the skin to its natural color.

BEWARE of imposition. Take POND'S EXTRACT only. See landscape trade-mark on buff wrapper. Sold only in our own buttles.

PONDS EXTRACT CO., 76 5th AVE. NEW YORK.